

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 22-cr-186 (SRN/TNL)

Plaintiff,

v.

ORDER

Scott Christopher Dobbelaere (1), Aaron
Raymond Dombovy (2), Marshall Michael
Galbreath (3), Edward Gary Kearns (4), Jerry
Lee Milliken (5), Mercedes Kay Milliken (6),
Lisa Marie Musolf (7), James Lee Nelson (8),
Lisa Christine Phillips (9), and Samuel Orlo
Schafer (10),

Defendants.

This matter comes before the Court on the Defendants’ Joint Motion to Extend the Deadlines for Pretrial Proceedings. ECF No. 151. Defendants request that the deadline for filing pretrial motions be extended from October 18 to December 2, 2022, and corresponding adjustments be made to the other pretrial deadlines due to the volume of discovery. The Government “concurs” in the request. ECF No. 151 at 1. This matter was previously designated as “complex” within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii) “due to the large amount of discovery and the number of alleged criminal incidents.” ECF No. 135 at 2.

The Court finds, pursuant to 18 U.S.C. § 3161(h)(7)(A), that the ends of justice served by granting such a continuance outweigh the best interests of the public and Defendants in a speedy trial and such continuance is necessary to provide Defendants and

their counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendants' Joint Motion to Extend the Deadlines for Pretrial Proceedings, ECF No. 151, is **GRANTED**.

2. The period of time from **October 10 through December 29, 2022**, shall be excluded from Speedy Trial Act computations in this case. *See United States v. Mallett*, 751 F.3d 907, 911 (8th Cir. 2014) ("Exclusions of time attributable to one defendant apply to all codefendants." (quotation omitted)); *United States v. Arrellano-Garcia*, 471 F.3d 897, 900 (8th Cir. 2006) (same).

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **December 2, 2022**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.

4. Counsel shall electronically file a letter on or before **December 2, 2022**, if no motions will be filed and there is no need for hearing.

5. All responses to motions shall be filed by **December 16, 2022**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses shall be filed by **December 16, 2022**. D. Minn. LR. 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **December 21, 2022**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. **If required, the motions hearing shall take place before the undersigned on December 29, 2022, at 1:00 p.m., in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.** D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY A DEFENDANT, the following trial and trial-related dates are:**

All voir dire questions and jury instructions and trial related motions (including motions in limine) must be submitted to District Judge Susan Richard Nelson on or before *a date to be determined*.

This case must commence trial on *a date to be determined* before District Judge Nelson in Courtroom 7B, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel**

must contact the Courtroom Deputy for District Judge Nelson to confirm the new trial date.

Dated: October 13, 2022

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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